

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROBERT WALSH,

Petitioner,

v.

JAMES DZURENDA, et al.,

Respondents.

Case No. 2:18-cv-01427-GMN-CWH

ORDER

In June 2019, this court granted in part respondents' motion to dismiss several grounds in Robert Walsh's pro se 28 U.S.C. § 2254 habeas corpus petition (ECF No. 25). Walsh has now filed a motion for appointment of counsel (ECF No. 30).

There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986), cert. denied, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), cert. denied, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir.1970). Here, Walsh was convicted of trafficking in a controlled substance, adjudicated a habitual criminal, and sentenced to life in prison without the possibility of

1 parole. While his petition appears to present his claims in a reasonably clear manner, in  
2 order to ensure due process, the court grants Walsh's motion for counsel.

3 **IT IS THEREFORE ORDERED** that petitioner's motion for appointment of  
4 counsel (ECF No. 30) is **GRANTED**.

5 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of  
6 Nevada (FPD) is appointed to represent petitioner.

7 **IT IS FURTHER ORDERED** that the Clerk electronically serve the FPD a copy of  
8 this order, together with a copy of the petition for writ of habeas corpus (ECF No. 1).

9 **IT IS FURTHER ORDERED** that the FPD has **30 days** from the date of entry of  
10 this order to file a notice of appearance or to indicate to the court its inability to  
11 represent petitioner in these proceedings.

12 **IT IS FURTHER ORDERED** that after counsel has appeared for petitioner in this  
13 case, the court will issue a scheduling order, which will, among other things, set a  
14 deadline for the filing of an amended petition, if any.

15 DATED: 17 April 2020.

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19 GLORIA M. NAVARRO  
20 UNITED STATES DISTRICT JUDGE  
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